

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BENJAMIN EVANS,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION NO.
vs.	:	
	:	1:12-CV-1849-CC
BAC HOME LOANS SERVICING, LP,	:	
as servicer for Bank of America, N.A.,	:	
	:	
Defendant.	:	

ORDER

This action brought by Plaintiff Benjamin Evans against Defendant BAC Home Loans Servicing, LP, as servicer for Bank of America N.A., is before the Court on the Final Report and Recommendation [Doc. No. 8] issued by Magistrate Judge E. Clayton Scofield on October 22, 2012. In the Final Report and Recommendation, Magistrate Judge Scofield recommends that the Court grant Defendant's Motion to Dismiss [Doc. No. 3], grant Defendant's request for the Court to cancel the notice of lis pendens that Plaintiff filed in the Superior Court of Newton County, and deny Defendant's request to charge Plaintiff with the costs of this action. The record reflects that no objections to the Final Report and Recommendation have been filed and that the time period permitted for filing any such objections has elapsed.

Having conducted a plain error review in accordance with United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), the Court finds that the Final Report and Recommendation is correct both in fact and in law. Accordingly, the Court **ADOPTS** the Final Report and Recommendation in its entirety. For the reasons stated therein, the Court hereby **GRANTS** Defendant's Motion to Dismiss [Doc. No. 3], **GRANTS** Defendant's request for the Court to cancel the notice of lis pendens that Plaintiff filed in the Superior Court of Newton County, and **DENIES** Defendant's request to charge Plaintiff with the costs of this action. This action is

hereby **DISMISSED without prejudice.**

The Court **DIRECTS** the Clerk of Court to serve a copy of this Order upon the Clerk of Newton County Superior Court.

The Court **DIRECTS** the Clerk of Newton County Superior Court to cancel the lis pendens notice on the real property located at 215 Lakeview Trail, Covington, Georgia 30016.

SO ORDERED this 16th day of November, 2012.

s/ CLARENCE COOPER

CLARENCE COOPER
SENIOR UNITED STATES DISTRICT JUDGE